

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WENDELL K. BROWN,	:	
Plaintiff,	:	
v.	:	Civil Action No. 05-413J
CAPTAIN TICE, HEARING EXAMINER	:	
R. REED, CORRECTIONS OFFICER K.	:	
DATE, INMATE MANNING, and	:	
COUNSELOR M. DRISKEL,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 23, 2005, docket no. 2, recommending that the complaint be dismissed for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B).

The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff has not filed objections, and the time to do so has expired. After review of the record and the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 19th day of December, 2005, it is

ORDERED that plaintiff's complaint is dismissed for failure to state a claim. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

Wendell K. Brown DJ-3760
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000